

Lewis Byrd,
Plaintiff,

DOC NO
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CASE NO. 17-CV-191-JDP

2018 APR 11 AM 10:22

PETER OPPENHEIM
CLERK US DIST COURT
WD OF WI

v.

Brandon Arenz,
Defendant.

PLAINTIFF'S PROPOSED FINDINGS OF FACTS

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- 1) On August 13, 2016 officer Brandon Arenz discharged his fire-arm eleven times at Plaintiff MR. Lewis Byrd. see EX. 4 pg 2 per 6
- 2) officer Arenz has not had handgun qualification course since 6-19-14 see EX 15, pg 1.
- 3) officer Brandon Arenz is mandated by the Wisconsin Law Enforcement standards Board, WI. Stat. 165.85 to have Annual Firearm qualification recertification training and has failed to do so. see EX. 14
- 4) on 9-18-16, a month after the shooting of MR. Byrd officer Brandon Arenz resigned as a police officer with the Hillsboro Police Department. see EX 15, pg 2.
- 5) MR. Byrd had reconstructive surgery on his right arm from his injuries. see EX 10

- 6.) MR. Byrd suffered from a non-union radial head fracture, which is different from a common radial head fracture, see EX 10 pg 1
- 7.) MR. Byrd did not resist arrest and complied with officer Brandon Arenz's orders, see EX 9 pg 6
- 8.) OFFICER ARENZ broke MR. Byrd's arm while arresting Plaintiff MR. Byrd, see EX 10
- 9.) Eight of the Eleven bullets fired at MR. Byrd by officer Brandon Arenz struck MR. Byrd's vehicle, see EX 4 pg 2 par. 7.
- 10.) One of those eight shots struck MR. Byrd in the left arm injuring MR. Byrd, see EX 9 pg 6 par. 7
- 11.) OFFICER Brandon Arenz was asked by another officer if Defendant had shot MR. Byrd and noticed MR. Byrd was bleeding, see EX 9 pg 3-4 par 3.
- 12.) OFFICER Brandon Arenz was then transported to the hospital due to the fact that he discovered he has come into contact with MR. Byrd's Blood, see EX 9 pg 5 par 5.
- 13.) OFFICER Brandon Arenz advised that he continued firing at MR. Byrd because he was in fear for the safety of a group of people at a tractor pull over 3 miles away, see EX 4 pg 2 par 2 and EX 5 (map)
- 14.) MR. Byrd's vehicle was on a down slope of a hill and rolled down the hill under its own power after being rear-ended by OFFICER Krugers vehicle, see EX 5 and EX 3 pg 2 par 3

15) There is no dash cam video of MR. Byrd allegedly ramming officer Kruger's squad car. see EX 4 pg 1 par. 4.

16) There is no dash cam video of any alleged high speed chase MR. Byrd was involved in with officer William Zirk. see EX 4 pg 1 par 4.

17) There is no radar evidence that MR. Byrd was traveling at 80-90 miles per hour. see EX 4 pg 4 Number 6.

18) There are no medical records for officer Todd Kruger supporting any injuries. see EX 4 pg 5 number 12.

19) Officer Brendan Arenz was not injured, and only went to the hospital because he was in contact with MR. Byrd's blood after shooting him. see EX 9 pg 5 par. 5.

20) Photo graphs of MR. Byrd's vehicle were taken. see EX 4 pg 2 par 8 and EX 7, pg 1, par 3.

21) There is a list of witnesses that were given to Detective Spencer. see EX 7 pg 1 par 5.

22) MR. Byrd denies ever driving at any high rate of speed. see EX 1 pg 3 sentences 20-23.

23) MR. Byrd's girlfriend Sagwant Butcher was arrested on Aug. 13, 2016 for a high speed chase in Union Center in Juneau County, WI, while driving a red vehicle registered to MR. Byrd. see EX 2, par 2-3 and EX 4 pg 1 par 3.

24) There are 3-D images that were scanned by WI. State Patrol of MR. Byrd's and officer Kruger's vehicles. see EX 4 pg 2 par. 8-9.

25) MR. Byrd swerved his Lexus on to the shoulder of the road to avoid Deputy Zirk's vehicle after Deputy Zirk pulled his into the southbound lane in the path of MR. Byrd's Lexus. see EX. 4 pg 1. par. 4.

26) There is no video of the shooting of MR. Byrd even though dash cam and body cam video equipment was available. see EX. 4 pg 2 par. 4.

27) The information given was that the suspect vehicle was a red Buick and that the vehicle was stolen. see EX. 8 pg 2 par. 2.

28) MR. Byrd's girlfriend Sagwant Butcher was driving a red Buick registered to MR. Byrd. see EX 4 pg 1 par. 3

29) MR. Byrd was driving a 2013 Lexus. see EX. 8 pg 3 Item 1

30) There is Body cam video from the scene. see EX 8 pg 3 Item 10

31) MR. Byrd was an unarmed suspect. EX 9 page Number 7 or any reports.

32) MR. Byrd was on supervised release for a offence that accrued in 2005. EX 8. pg. 4.

33) MR. Byrd had committed no crimes and was wanted for nothing more than a parole violation for fail to contact his

Probation / parole agent. EX. 8, pg. 5, section under charges.

34) There was vehicle information downloaded from MR. Byrd's 2013 Lexus' computer system. MR. Byrd did request this information in his discovery request and was told by defendant that there weren't none. EX. 4, pg. 5, number 11 and EX. 3, pg. 5, Item number 1.

35) Officer Arenz was not qualified to use a handgun at the time of the shooting of MR. Byrd. EX. 15, pg. 1 and EX. 14, pg. 3-4.

Dated: 4/4/18

Signed: Lewis E. Byrd III
Lewis E. Byrd III